

State of California
Department of Fish and Game

Memorandum

Date: November 28, 2007

To: Secretary Michael Chrisman
Ocean Protection Council
c/o Sam Schuchat, Executive Officer
1330 Broadway, 13th Floor
Oakland, CA 94612

From: John McCamman
Acting Director
Department of Fish and Game



Subject: Ocean Protection Council consideration of the "California Streamflow Stewardship Program" proposal by Trout Unlimited and the Center for Ecosystem Management and Restoration

The Department of Fish and Game (DFG) supports the "California Streamflow Stewardship Program" (CSSP) proposal set for the Ocean Protection Council (OPC) calendar on February 29, 2008. The CSSP proposal, prepared by Trout Unlimited (TU) and Center for Ecosystem Management and Restoration (CEMAR) promotes the development of pilot programs for coordinated stream management plans to protect resources in coastal areas. A draft of the subject CSSP proposal dated November 20, 2007 is attached for reference.

Under the CSSP proposal, regulatory agencies, water users, and other participants would identify instream flow objectives necessary for resource protection. Collaborative stream management plans would then be prepared to achieve those objectives on a stream or watershed basis. Since all program participants would participate in the development of these plans to accomplish identified objectives, the likelihood of success would also be increased.

The CSSP proposes to use existing scientific information while collecting new measurements to establish instream flow objectives for individual streams. The CSSP proposal would establish pilot projects in specific watersheds to test and demonstrate this approach. The pilot projects would include 1) measuring and monitoring instream flows on key coastal streams, 2) promoting practical approaches to ecosystem-based watershed management and 3) supporting the restoration of river and stream corridors, including coastal lagoons and estuaries, to promote recovery of native salmonid species. Baseline abundance data would be collected on species of special concern (e.g. salmonids), that are observed during these studies. If successful, the program would assist DFG in the identification of instream flows essential for meeting its trustee responsibilities.

The concept for the CSSP proposal grew out of a water rights reform working group

that included the DFG, the State Water Resources Control Board (SWRCB), the North Coast Regional Water Quality Control Board, National Marine Fisheries Service, and private stakeholders such as TU, agricultural water users, urban water users, and others. DFG invested a significant amount of time participating in this working group that gathered specifically to provide input to the SWRCB's North Coast Instream Flow Policy (AB 2121). The CSSP proposal is designed to complement the SWRCB's Instream Flow Policy by providing additional tools for water diverters to meet instream flow objectives while ensuring the DFG meets its fish and wildlife conservation goals.

Historically, and currently, water diverters have been regulated individually, with little flexibility to share costs or coordinate diversion operations to reduce the adverse cumulative impacts of numerous diversion projects within a watershed. A coordinated approach to regulatory requirements could satisfy competing water use, land use and environmental interests by managing diversions collaboratively within a watershed. For example, water users could agree to coordinate management of their diversion schedules so that minimum streamflows were maintained in the stream. They could work cooperatively to develop solutions that address specific problems at the most significant locations in the watershed, rather than only on their individual properties. Diverters would also benefit by sharing costs associated with data collection and monitoring needed to determine allowable water usage.

Although initiatives to improve water management in California are inherently difficult, coordinated watershed stewardship may help to identify direct and cumulative resource protection issues on a watershed basis. DFG was directly consulted and provided comments during the development of the CSSP proposal. DFG supports the CSSP proposal and is committed to working with TU, CEMAR, and other participants to help it succeed. With sufficient funding to complete a small number of pilot projects in coastal streams, DFG believes this program could become a new model for collaborative water management that will benefit aquatic resources throughout the state.

Attachment

cc: Charlton H. Bonham
California Director
Trout Unlimited
1808 B 5th Street
Berkeley, CA 94710

Exhibit 4: Letters of Support

bc: Neil Manji, Branch Chief
Carl Wilcox, Branch Chief
Craig Wilson, Environmental Program Manager I
Marija Vojkovich, Marine Manager
John Ugoretz, Habitat Conservation Manager
Gary Stacey, Regional Manager
Chuck Armor, Regional Manager
Bill Loudermilk, Regional Manager
Ed Pert, Acting Regional Manager
Annie Manji, Staff Environmental Scientist



Linda S. Adams
*Secretary for
Environmental Protection*

State Water Resources Control Board

Executive Office

Tam M. Doduc, Board Chair
1001 I Street • Sacramento, California • 95814 • 916.341.5615
P.O. Box 100 • Sacramento, California • 95812-0100
Fax 916.341.5621 • www.waterboards.ca.gov



Arnold Schwarzenegger
Governor

October 26, 2007

VIA EMAIL

Mr. Drew Bohan
Executive Policy Officer
Ocean Protection Council
Resources Agency
1416 – 9th Street
Sacramento, CA 9581414

Dear Mr. Bohan:

DRAFT PROPOSAL TO THE CALIFORNIA OCEAN PROTECTION COUNCIL REGARDING THE CALIFORNIA STREAMFLOW STEWARDSHIP PROGRAM

The State Water Resources Control Board (State Water Board) recently received a copy of the staff recommendation to the California Ocean Protection Council regarding the California Streamflow Stewardship Program. The staff recommends that the Ocean Protection Council authorize up to \$1,000,000 for the program.

The State Water Board recognizes that a watershed approach for the evaluation of diversion and use of water may be a constructive alternative to evaluating water projects on an individual basis. In addition, the State Water Board encourages cooperation and coordination among stakeholders to optimize water use and environmental protection. Therefore, the State Water Board supports the staff recommendation to the California Ocean Protection Council.

If you have any comments or questions regarding this matter, please contact Mr. Steven Herrera, Chief of the Permitting Section, State Water Board Division of Water Rights, by telephone at (916) 341-5337 or by email at sherrera@waterboards.ca.gov.

Sincerely,

Dorothy Rice
Executive Director

cc: (see following page)

Drew Bohan
Ocean Protection Council

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October 26, 2007

cc : Mike Chrisman, Chair
Ocean Protection Council
Resources Agency
1416 – 9th Street
Sacramento, CA 95814

Cindy Tuck
Assistant Secretary for Policy
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Samuel Schuchat
Council Secretary
Ocean Protection Council
1330 Broadway, 13th Floor
Oakland, CA 94612
sschuchat@scc.ca.gov

Brian Johnson
Staff Attorney
Trout Unlimited
1808B 5th Street
Berkeley, CA 94710
bjohnson@tu.org

Steven Herrera
Chief, Permitting Section
Division of Water Rights
State Water Resources Control Board
P. O. Box 2000
Sacramento, CA 95812
Sherrera@waterboards.ca.gov



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

ELLEN PIRIE
SECOND DISTRICT

NEAL COONERTY
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

MARK W. STONE
FIFTH DISTRICT

December 17, 2007

Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

RE: OCEAN PROTECTION COUNCIL CONSIDERATION OF
"CALIFORNIA STEAMFLOW STEWARDSHIP PROGRAM" PROPOSAL

Dear Secretary Chrisman:

I am writing on behalf of FishNet 4C to express support for the proposal to develop a "California Streamflow Stewardship Program" put forward by Trout Unlimited (TU) and the Center for Ecosystem Management and Restoration (CEMAR).

FishNet 4C is a coalition of the Central California coastal counties of Sonoma, Marin, San Mateo, Santa Cruz, and Monterey, working together to implement fisheries restoration programs and policies. Since 1998, FishNet 4C counties have worked on a number of fisheries restoration efforts, including an analysis of their land use policies that preserve instream flows. Cooperative efforts such as the "Streamflow Stewardship Program" will be of great value to our conservation programs by complementing county activities that protect stream flow for the benefits of fish.


The FishNet 4C counties have also been involved in efforts to create offstream water storage and facilitate creative water rights agreements to preserve instream flows. We hope to build on that experience and work with TU, CEMAR, water users and other government agencies to identify and prepare pilot projects using a watershed approach to stream management. By developing stream flow objectives and coordinated stream management plans to improve conditions on specific streams, we can help improve water supply reliability while also protecting fishery resources.

Exhibit 4: Letters of Support

December 17, 2007
Page 2

I urge you to approve the funding for this important pilot project. If you have any questions, please feel free to contact me at 454-2200.

Sincerely,


MARK W. STONE, Supervisor
Fifth District

MWS:pmp

1025B5



FishNet 4C *Fishery Network of Central California Coastal Counties*

A Regional Approach to Salmonid Protection and Restoration

Program Director
Darcy Aston
3820 Cypress Drive #11
Petaluma, CA 94954
707.762-1336

County Sponsors

Sonoma County
Supervisor
Mike Reilly

Marin County
Supervisor
Steve Kinsey

San Mateo County
Supervisor
Rich Gordon

Santa Cruz County
Supervisor
Mark Stone

Monterey County
Supervisor
Dave Potter

Mendocino County
Supervisors
Jim Wattenburger
Michael Delbar

Participating Agencies

California Department of
Fish & Game

NOAA Fisheries

California Resources
Agency

December 17, 2007

Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Ocean Protection Council consideration of "California Streamflow Stewardship Program" proposal

Dear Secretary Chrisman:

I am writing on behalf of FishNet 4C to express support for the proposal to develop a "California Streamflow Stewardship Program" put forward by Trout Unlimited (TU) and the Center for Ecosystem Management and Restoration (CEMAR).

FishNet 4C is a coalition of the Central California coastal counties of Sonoma, Marin, San Mateo, Santa Cruz and Monterey, working together to implement fisheries restoration programs and policies. Since 1998, FishNet 4C counties have worked on a number of fisheries restoration efforts, including an analysis of their land use policies that preserve instream flows. Cooperative efforts such as "Streamflow Stewardship Program" will be of great value to our conservation programs by complementing county activities that protect stream flow for the benefits of fish.

The FishNet counties have also been involved in efforts to create offstream water storage and facilitate creative water rights agreements to preserve instream flows, such as the Ponds Project in San Mateo County, and the Pine Gulch Project in Marin County. We hope to build on that experience and work with TU, CEMAR, water users and other government agencies to identify and prepare pilot projects using a watershed approach to stream management. By developing stream flow objectives and coordinated stream management plans to improve conditions on specific streams, we can help improve water supply reliability while also protecting fishery resources.

The FishNet 4C Steering Committee heard a presentation on the Streamflow Stewardship Program and discussed it at our last meeting in October 2007, and all the FishNet 4C county supervisors agreed to support it. In order to expedite this letter of support, their names are listed below and I am authorized to sign this letter on their behalf. We urge you to approve the funding for this important pilot project. If you have any questions, please feel free to contact me at (707) 762-5162.

Sincerely,

A handwritten signature in dark ink, reading "Darcy Aston". The signature is fluid and cursive, with the first name "Darcy" being more prominent than the last name "Aston".

Darcy Aston
Program Director
FishNet 4C

For:

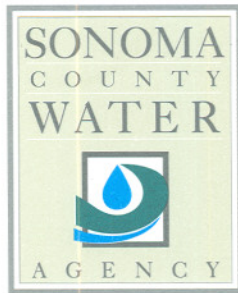
Supervisor Mike Reilly
County of Sonoma

Supervisor Steve Kinsey
County of Marin

Supervisor Rich Gordon
County of San Mateo

Supervisor Mark Stone
County of Santa Cruz

Supervisor Dave Potter
County of Monterey



File: 40-0-1 General

December 19, 2007

Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Ocean Protection Council Consideration of "California Streamflow Stewardship Program" Proposal By TU and CEMAR

Dear Secretary Chrisman:

The Sonoma County Water Agency (Agency) supports the proposal by Trout Unlimited (TU) and Center for Ecosystem Management and Restoration (CEMAR) to promote the development of coordinated stream management plans in coastal areas through what they are calling the "California Streamflow Stewardship Program." We strongly believe that cooperative efforts to improve water management can help improve water supply reliability while also improving habitat for salmon and steelhead and other aquatic resources.

The Agency was one of the founding members of the North Coast Water Rights working group. That group developed the idea for a "watershed approach" to coordinated stream management that the "Streamflow Stewardship" proposal intends to implement.

We hope to build on that experience and work with TU and CEMAR to develop pilot programs for coordinated water management in collaboration with water users, resource agencies, and other parties. By defining common stream flow objectives and preparing coordinated stream management plans to improve conditions on specific streams we can achieve better results for water users and aquatic resources than is possible under the current system.

Sincerely,


Randy D. Poole
General Manager/Chief Engineer

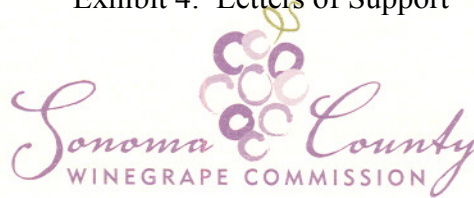
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DEC 21 2007

COASTAL CONSERVANCY
OAKLAND, CALIF.

November 12, 2007



Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Ocean Protection Council consideration of "California Steamflow Stewardship Program" proposal

Dear Secretary Chrisman:

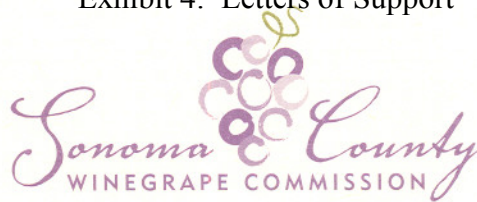
The Sonoma County Winegrape Commission supports the proposal by Trout Unlimited (TU) and Center for Ecosystem Management and Restoration (CEMAR) to promote the development of coordinated stream management plans in coastal areas through what they are calling the "California Streamflow Stewardship Program." We strongly believe that cooperative efforts such as these can help improve water supply reliability while also improving habitat for salmon and steelhead.

The Sonoma County Winegrape Commission represents nearly 1800 grape growers in Sonoma and Marin Counties. The Commission has promoted the Code of Sustainable Winegrowing Program, including targeted education on important issues. For example, we have had a concerted effort to promote water conservation through better irrigation management this summer as we seek to reduce water diversions in the Russian River watershed 15%. Over 300 growers and vineyard managers have attended meetings where irrigation best management practices have been discussed.

We hope to build on that experience and work with TU, CEMAR, and the agencies to identify and prepare pilot projects using a watershed approach to stream management. By developing stream flow objectives and coordinated stream management plans to improve conditions on specific streams, we can achieve better water supply delivery and better protection of natural resources than is possible under the current system, and provide a model for other irrigators to follow.

As you know, the current system of water right administration is frequently inefficient and too often fails either to protect water users or instream beneficial uses. Traditionally, water diverters have been regulated individually, with little flexibility or opportunity to share costs or coordinate diversions, and little hope of adequately addressing the cumulative effects of numerous projects.

To remedy these issues, my organization and others invested a great deal of time in the water right reform working group mentioned above. That working group came together to provide input to the SWRCB's North Coast Instream Flow Policy (A.B. 2121), which is in development. The concept for coordinated stream management has been evolving



for more than a year, with participants from the water rights discussion group first presenting the idea at a Board meeting of the SWRCB in July 2006. This spring, TU and attorneys for irrigators then drafted a proposal to the SWRCB for coordinated stream stewardship, which they called the "watershed approach." The TU/CEMAR proposal for a "California Streamflow Stewardship Program" grew out of that effort, and is specifically designed to develop pilot projects to implement it.

A coordinated stream stewardship approach could satisfy competing environmental, land use and water use interests by taking advantage of opportunities to manage diversions collaboratively within a watershed. For instance, diverters could join together to develop local physical solutions to their watershed specific problems. Diverters could agree to coordinate management of their diversion schedules so that needed streamflows were maintained at particular points in a stream. Diverters could also share costs associated with developing data and monitoring conditions and could work together on projects that improved habitat at the most significant locations in the watershed, rather than only on their individual properties.

Because the Streamflow Stewardship proposal would take advantage of cost sharing and coordination of diversions that may not be available with the traditional approach, it promises both better protection for instream aquatic resources and lower costs for water users.

The Streamflow Stewardship Program will use existing scientific information and targeted new measurements to establish stream flow objectives for individual streams. Program participants will prepare plans to accomplish those objectives through coordinated water management. Participants will help develop the program, thereby increasing the legitimacy of the results and the likelihood of success.

Although initiatives to improve water management in California are inherently difficult, the notion of coordinated stream stewardship is one of the most promising ideas we have seen in a long time. We are committed to making it a success. With sufficient funding to complete a small number of pilot projects in coastal streams, we believe the effort can demonstrate a new model for water policy throughout the state.

Sincerely,

A handwritten signature in dark ink that reads "Nick Frey". The signature is written in a cursive, slightly slanted style.

Nick Frey
President

ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON
ANNE J. SCHNEIDER
JEFFERY D. HARRIS
DOUGLAS K. KERNER
ROBERT E. DONLAN
ANDREW B. BROWN
MARGARET G. LEAVITT, OF COUNSEL

ATTORNEYS AT LAW

2015 H STREET
SACRAMENTO, CALIFORNIA 95814-3109
TELEPHONE (916) 447-2166 FAX (916) 447-3512

JEDEDIAH J. GIBSON
LYNN M. HAUG
PETER J. KIEL
CHRISTOPHER M. SANDERS
WILLIAM W. WESTERFIELD III
GREGGORY L. WHEATLAND

November 30, 2007

VIA EMAIL AND US MAIL

Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Ocean Protection Council Consideration of “California Streamflow Stewardship Program” Proposal

Dear Secretary Chrisman:

I am writing to express our firm’s support for the “California Streamflow Stewardship Program” proposal to promote the development of coordinated stream management plans in coastal areas submitted by Trout Unlimited (TU) and Center for Ecosystem Management and Restoration (CEMAR). We strongly believe that cooperative efforts such as the California Streamflow Stewardship Program can help improve water supply reliability while also improving aquatic habitat.

Our firm provides water right and environmental regulatory permitting representation to numerous wine grape growers, vineyards and other landowners in the North Coast region. We have represented these parties before the State Water Resource Control Board and other regulatory agencies for many years, and have recently participated in the North Coast Water Rights Working Group and related efforts with TU and other NGOs. Ellison, Schneider & Harris and TU share the same fundamental concern: that the lack of information about ecological resources and lack of coordinated resource management have crippled water rights and other regulatory permitting processes and have prevented landowners, local government and regulatory agencies from managing resources using a watershed management perspective. Ellison, Schneider & Harris and TU share the common vision that a collaborative watershed approach will yield more cost-effective and comprehensive resource management than can be accomplished in the current project-specific approach. We jointly submitted a proposal to the State Water Resource Control Board to process water right applications and manage water right permits using a watershed management approach. Although focused on water right permitting, the watershed management proposal is envisioned to facilitate management of a variety of resources in addition to streamflow as well as compliance with water quality, endangered species and other regulatory programs.

November 30, 2007

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We intend to build on that experience and work with TU, CEMAR, and the agencies to identify and prepare pilot projects using a watershed approach to stream management. The California Streamflow Stewardship Program will allow us to develop stream flow objectives and coordinated stream management plans to improve conditions on specific streams, which can provide better water supply delivery and better protection of natural resources than is possible under the current system, and provide a model for others to follow. We strongly encourage the Ocean Protection Commission to fund the California Streamflow Stewardship Program. Please feel free to contact me if you would like any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter J. Kiel". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Kiel".

Peter J. Kiel

cc: Brian Johnson (via email)

August 10, 2007

Samantha Campbell
The Campbell Foundation for the Environment
1450 Sutter Street, Suite #510
San Francisco, CA 94109
scampbellkcf@sbcglobal.net

Dear Ms. Campbell:

I am writing to express my support for Trout Unlimited's proposal to work with the wine industry to improve water management practices. We strongly believe that cooperative efforts can help people in wine country meet their irrigation needs while also improving habitat for salmon and steelhead.

The Sonoma County Winegrape Commission represents nearly 1800 grape growers in our county. The Commission has promoted the Code of Sustainable Winegrowing Program, including targeted education on important issues. For example, we have had a concerted effort to promote water conservation through better irrigation management this summer as we seek to reduce water diversions in the Russian River watershed 15%. Over 300 growers and vineyard managers have attended meetings where irrigation best management practices have been discussed.

We hope to build on that experience and work with TU to identify and prepare water management projects with individual landowners. We also hope to work with TU on a more far-reaching program to develop stream flow objectives and coordinated stream management plans to improve conditions on specific streams.

Sincerely,

Nick Frey
President



unitedwinegrowers@comcast.net

Phone / fax: (707) 433-7319
P.O. Box 382, Santa Rosa, CA 95402

December 14, 2007

Michael Chrisman, Council Chair
Ocean Protection Council
c/o Samuel Schuchat, Secretary
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Ocean Protection Council Consideration of "California Streamflow Stewardship Program" Proposal

Dear Secretary Chrisman:

On behalf of United Winegrowers for Sonoma County, I am writing to express our support for Trout Unlimited's proposal to work with private landowners to develop stream management plans in coastal areas. Their proposal will provide common ground to encourage landowners, local governments and regulatory agencies to cooperate and provide stewardship projects that will contribute to both water supply reliability and habitat for listed species.

Considerable work has gone in to the development of a different approach for approving water rights. The California Streamflow Stewardship Program will allow us to develop stream flow objectives and coordinated stream management plans to improve conditions on specific streams, which can provide better water supply delivery and better protection of natural resources than is possible under the current system, and provide a model for others to follow. It will help provide a reliable water supply and, by encouraging approval for additional storage, can be an alternative to summertime diversions. It will improve conditions on specific streams and also contribute to a larger effort being developed through the Salmonid Coalition.

United Winegrowers is a trade association of both winery and vineyard owners in Sonoma County. We are active on local issues concerning their business interests. Clearly water is a key focus. I look forward to working with TU on a project that can help both organizations meet the needs of our members - and the fish too.

Sincerely,

Bob Anderson
Executive Director